

REMARKS

This is a supplemental response to supplement Applicants' response to the first Office Action filed on September 24, 2007. There are currently 11 claims pending in the case. All claims are rejected. New claims 12 and 13 have been added by the original response. This supplemental response is being submitted in order to place the case in condition for allowance.

The Examiner will note that Applicants had addressed the rejection of the claims under the non-statutory obviousness-type double patenting rejection by filing a terminal disclaimer. Also applicants had already addressed the rejection of the claims under 35 U.S.C. 112 and had made the correction in the specification to correct the references noted by the Examiner. Therefore, this response will address on the rejection of the claims under 35 U.S.C. 103(a) and 35 U.S.C. 102(b).

Claims 1-11 were rejected under 35 U.S.C. 102(b) as being anticipated or by in the alternative as obvious over a patent to Yoshimura et al (4,693,879).

Claims 1-11 were rejected under 35 U.S.C. 102(b) as being anticipated or by in the alternative under 35 U.S.C. 103(a) as being obvious over Johnson (3,408,164).

Claims 1-11 were rejected under 35 U.S.C. 102(b) as being anticipated or by in the alternative under 35 U.S.C. 103(a) as being obvious over EPO 1309024.

Claims 1-11 were rejected under 35 U.S.C. 102(b) as being anticipated or by in the alternative under 35 U.S.C. 103(a) as being obvious Atchetee, et al.

Applicant acknowledges the rejection of the Examiner and respectfully traverses.

The Yoshimura et al discloses an ultrasonic device and filtration process for the removal of physical impurities and subsequent recovery of solvent (toluene) by heating at temperatures less than 400° C; whereas the present application claims a modified carbon black with particle size of 7 nm to 500 nm and oil absorption number between 30 to 300 ml/100g for use in curing bladders in tire manufacture, which, in compounds exhibit improved thermal conductivity and increased fatigue-like which when compared to the conventional bladder compounds. The Yoshimura et al reference does not disclose or teach all of the limitations of the claims so as to render the claims unpatentable under 35 U.S.C. 102(b) as anticipated by or in the alternative

under 35 U.S.C. 103(a) as obvious.

In the Johnson reference, Johnson discloses a plasma process with extremely high temperatures (energy state of particle activity above the gaseous state, temperatures in excess of 5,000°C. Further the Johnson patent does not disclose any changes to the carbon black properties but instead a rubber property “modulus” that is impacted by the use of carbon black. As stated earlier, in the present application there is being claimed an improved curing bladder compound comprising carbon blacks having a particular particle size and oil absorption number, as claimed, which when combined with furnace blacks exhibit improved thermal conductivity and increased fatigue life. The present invention also teaches a thermally modified carbon black produced by continuous electrothermal furnace treatment process for use in carbon bladders in tire manufacture with improved thermal conductivity and increased fatigue life when compared to conventional bladder compounds. Applicants are of the opinion that the Johnson reference as stated by the Examiner neither teaches the present invention under 35 U.S.C. 102(b) or in the alternative it renders the present invention obvious over the Johnson reference under 35 U.S.C. 103(a).

In addressing the rejections of the claims under 35 U.S.C. 102(b) or in the alternative 35 U.S.C. 103(a) as obvious over EP 1309024, it is clear that the ‘024 reference does not teach the parameters of the present invention as particularly claimed for example in claim 1. Applicants’ invention claims a particle size of 7 nm to 500 nm, while the primary particle diameter of EPO ‘024 is 10 to 17 nm. Furthermore, Applicants teach an oil absorption number of between 30 to 300 ml/100 g while the oil absorption number of the EPO ‘024 reference is 170 to 300, which is within a much smaller range. In addition, the electro catalyst of the ‘024 reference can be used on electro chemical devices such as solid polymer electrolyte fuel cells, while it is clear, as claimed, the present invention comprises modified carbon blacks exhibiting improved thermal conductivity and increase fatigue life when compared to conventional bladder compounds.

Therefore, Applicants would certainly assert that the use of Applicants’ invention within the parameters of the claimed properties of Applicants’ invention falls out of the range as disclosed in the EPO ‘024 reference and therefore this reference is improper under 35 U.S.C. 102(b) or

does not render Applicants' invention obvious under 35 U.S.C. 103(a).

Turning now to the Atchetee et al reference (which Applicants would assume would be Atchetee publication 2001/0031823) since the Examiner did not note whether or not it was the publication or the issued patent that was utilized in the rejection of the claims. Again, Applicants would assert that the ranges as asserted in the Atchetee '1823 publication are not the same ranges as claimed in the present invention. For example, the Atchetee reference teaches a particle size of 22 nm to 35 nm, whereas a particle size of Applicants' is 7 nm to 500 nm. Also there is no discussion in the Atchetee publication 2001/0031823 giving the oil absorption number range in the Atchetee as from about 119 to 128 cc/100 g, while in the present invention the range is from 30 to 300 ml/100 g. That being the case again Atchetee is not teaching the parameters of the claimed properties of the present invention. Furthermore, Atchetee is clear from Atchetee's '1823 publication that Atchetee states "the present invention relates to carbon blacks and further relates to their use in wire and cable compounds such as shielding composition. There is no discussion of the carbon black having the properties necessary to exhibit improved thermal conductivity and increase fatigue life for tires which were made when compared to conventional bladder compounds". That being the case, Applicants would assert that the Atchetee reference is not a proper reference either under 35 U.S.C. 102(b) or 35 U.S.C. 103(a).

Finally, Applicant has added new claims 12 and 13, which Applicants assert are patentable over the art cited by the Examiner, setting forth parameters which are clearly not found in the art, and are not precluded from patentability under 35 U.S.C. 102 or rendered obvious under 35 U.S.C. 103.

That being the case, Applicants would assert that the rejection of claims 1-11 over the references cited by the Examiner should be withdrawn and the claims be reexamined, together with newly presented claims 12 and 13, and the case move to allowance.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary

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to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

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